

**REMARKS*****Status of the claims***

Claims 1-8, 14, 16-20, 22-29, 56-63, 69, and 71-80 are pending in the present application and are currently under consideration. Claims 20, 22-29, and 75 are allowed. By virtue of this response, claims 1-8, 14, 16-19, and 76 have been amended. Support for the amendments to the claims may be found, for example, on page 6, lines 11-12 of the specification.

With respect to all amendments, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application(s).

***Information Disclosure Statement***

A Supplemental Information Disclosure Statement was filed on April 17, 2006, subsequent to the mailing of the current Office Action. A further Supplemental Information Disclosure Statement is being filed concurrently with this response. Applicants would appreciate the Examiner initialing and returning the Forms SB/08 from both Supplemental Information Disclosure Statements, indicating that the references cited therein have been considered and made of record in this application.

Applicants note that related application U.S. Serial No. 09/802,376 (Publication No. 2002/0055477), a copy of which was submitted in the Supplemental Information Disclosure Statement filed on April 17, 2006, has been allowed.

***Claim Rejection under 35 U.S.C. §102(b) or §103(a)***

Claims 1-2, 14, 16-19, 56-63, 69, 71-74, and 76-80 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by, or in the alternative, allegedly unpatentable under 35 U.S.C. §103(a) over Huse, U.S. Patent No. 5,770,434 ("Huse"). Applicants respectfully traverse this rejection.

The Office Action states that Huse discloses a polynucleotide consisting of the sequence AATTCGAAAA complexed to a glass bead and thus teaches an immunomodulatory polynucleotide/microcarrier (IMP/MC) complex comprising a polynucleotide comprising an ISS linked to a nonbiodegradable microcarrier, wherein the ISS comprises a sequence selected from the group consisting of, *inter alia*, 5'-TCGAAAA-3', as claimed in rejected independent claim 1. By virtue of this response, claim 1 has been amended to recite a composition comprising an IMP/MC complex, and a pharmaceutically acceptable excipient. Huse does not teach or suggest a pharmaceutically acceptable excipient, and thus does not anticipate the claims as amended.

Huse teaches a method of synthesizing soluble peptides having constrained secondary structure by expression from oligonucleotides having biased but random codon sequences that are synthesized on a solid support. The disclosure discussed by the Examiner in column 18, Table III, is a single disclosed oligonucleotide sequence, AATTCGAAAA, coupled to a glass support. Huse also does not teach or suggest a therapeutic use for the disclosed polynucleotide or a complex thereof, or a composition comprising such a complex in which a pharmaceutically acceptable excipient would be a useful or necessary component, and thus does not render the claims as amended obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §§102(b) and 103(a).

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 377882001720. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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